

REMARKS

By this amendment, claims 89 through 97, 99 through 124, and 127 are pending. Claims 1 through 88, 98, 125, 126, and 128 were previously canceled without prejudice or disclaimer. Claim 89 is currently amended. No new matter is introduced.

The Office Action mailed June 10, 2011 objected to the specification for not placing the Abstract on a separate page, and rejected claims 89 through 97 and 99 through 106 under 35 U.S.C. §101 as directed to non-statutory subject matter, claims 89, 90, 94 through 96, 99 through 108, 112 through 118, 122 through 124, and 127 as obvious under 35 U.S.C. §103(a) based on Rao et al. (“Rao”) (US 7,286,502) in view of Hoehne et al. (“Hoehne”) (US 2005/0181875), claims 91, 109, and 119 as obvious under 35 U.S.C. §103(a) based on Rao et al. (“Rao”) (US 7,286,502) and Hoehne et al. (“Hoehne”) (US 2005/0181875) in view of Zhang (US 7,239,864), and claim 97 as obvious under 35 U.S.C. §103(a) based on Rao et al. (“Rao”) (US 7,286,502) and Hoehne et al. (“Hoehne”) (US 2005/0181875) in view of Thielke et al. (“Thielke”) (US 6,324,564).

The indication of the allowability of claims 92, 93, 110, 111, 120, and 121 if placed in independent form is gratefully acknowledged.

The objection to the specification is respectfully traversed.

An abstract, on a separate sheet, is attached hereto.

Accordingly, withdrawal of the objection to the specification is respectfully solicited.

The rejection of claims 89 through 97 and 99 through 106 under 35 U.S.C. §101 is respectfully traversed.

Claim 89 has been amended to recite that the determining to establish a wireless communication connection and the determining to establish a data network connection are performed “via at least one processor” or “via the at least one processor.” Accordingly, the claimed method is tied to a specific machine, viz., a “processor.”

Accordingly, withdrawal of the rejection of claims 89 through 97 and 99 through 106 under 35 U.S.C. §101 is respectfully solicited.

The rejection of claims 89, 90, 94 through 96, 99 through 108, 112 through 118, 122 through 124, and 127 under 35 U.S.C. §103(a) is respectfully traversed.

Independent claim 89 recites, *inter alia*, “determining to use the interchangeable mass storage in conjunction with different mobile terminals **thereby enforcing digital right associated with the gaming application**” (Emphasis Added). Independent claims 107 and 117 recite similar features.

The Examiner acknowledged that Rao does not disclose the feature of enforcing digital rights associated with a gaming application through the use of interchangeable mass storage in conjunction with different mobile terminals. The Examiner relied on Hoehne, particularly citing paragraphs [0029], [0079], and [0090] through [0092], for an asserted teaching of this claim feature. Applicants respectfully disagree.

Hoehne is directed to a mobile gaming system and method. Paragraph [0029] describes a SIM card that provides a “secured, tamper resistant environment for the storage of cryptographic keys, subscriber information and phone books that can be moved from one mobile appliance to another.” Paragraph [0079] describes downloading a game from a gaming server to the SIM card. Paragraphs [0090] through [0092] describe payment options. The subscriber

is given the option of paying from an e-purse or utilizing a credit card or some other debit instrument. Upon approval and successful verification, an amount of cash is deducted from the SIM card. Basically, paragraphs [0090] through [0092] describe an electronic transaction.

None of the cited portions of Hoehne, or any other portion of Hoehne, describes, or even suggests, enforcing digital rights associated with a gaming application through the use of interchangeable mass storage in conjunction with different mobile terminals. Thus, since neither Rao or Hoehne discloses or suggests “determining to use the interchangeable mass storage in conjunction with different mobile terminals thereby enforcing digital right associated with the gaming application,” the Examiner has not established a *prima facie* case of obviousness with regard to the subject matter of claims 89, 90, 94 through 96, 99 through 108, 112 through 118, 122 through 124, and 127.

Accordingly, the rejection of claims 89, 90, 94 through 96, 99 through 108, 112 through 118, 122 through 124, and 127 under 35 U.S.C. §103(a) is neither factually nor legally viable. Therefore, withdrawal of this rejection is respectfully solicited.

The rejection of claims 91, 109, and 119 under 35 U.S.C. §103(a) is respectfully traversed.

Zhang does not cure the previously argued deficiencies of Rao and/or Hoehne. Thus, no *prima facie* case of obviousness has been established with regard to the subject matter of claims 91, 109, and 119.

Accordingly, the rejection of claims 91, 109, and 119 under 35 U.S.C. §103(a) is neither factually nor legally viable. Therefore, withdrawal of this rejection is respectfully solicited.

The rejection of claim 97 under 35 U.S.C. §103(a) is respectfully traversed.

Thielke does not cure the previously argued deficiencies of Rao and/or Hoehne. Thus, no *prima facie* case of obviousness has been established with regard to the subject matter of claim 97.

Accordingly, the rejection of claim 97 under 35 U.S.C. §103(a) is neither factually nor legally viable. Therefore, withdrawal of this rejection is respectfully solicited.

Therefore, the present application, as amended, overcomes the objection and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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